

**TOWN OF EAST WINDSOR
WATER POLLUTION CONTROL AUTHORITY**

Minutes of Meeting of September 26, 2012

Members Present: Paul Anderson, Tom Davis, Jim Barton, Dave Tyler and Chuck Riggott (Alternate)

Members Absent: Peter Pippin

Others Present: WPCF Superintendent E. Arthur Enderle III, Chief Operator Edward Alibozek, WPCA Attorney Vincent Purnhagen, Selectman Richard Pippin, WPCF Operator Marc Brennan and Recording Secretary Laura Michael

Time and Place

Paul Anderson, Chairman, called the meeting to order at 7:00 p.m. at the WPCA Administration Building, 192 South Water St, East Windsor, CT

I. Designate Alternate

Mr. Riggott served as a voting member for Mr. Pippin.

II. Added Agenda Items

Transfers

III. Acceptance of Minutes of August 29, 2012

Motion: To accept the corrected minutes of the August 29, 2012.

Barton/Riggott

Discussion: Mr. Anderson explained that First Selectwoman Denise Menard had asked questions following the presentation by Paul Dombrowski that the Recording Secretary was unable to hear. Information was provided by Ms. Menard and Mr. Dombrowski regarding their conversation. The following paragraph will be incorporated into the minutes:

"First Selectwoman Denise Menard asked if it was appropriate for the WPCA to establish their Capital Improvement Fund. Mr. Dombrowski replied, yes, it is typical that the WPCA establish, collect and manage their Operations, Maintenance and Replacement Funds. Ms. Menard asked if the DEP decides that the WPCA sewer use fee is not adequate to fund the needed repairs and replacements at the WPCF could future funding for the WPCA or Town be in jeopardy. Mr. Dombrowski replied yes."

Abstained: Tyler

Motion Carries

IV. Communications

There were no new communications.

V. Visitors

There were no visitors.

VI. Public Participation

There was no public participation.

VII. Receipt of Applications

Balch, 248 South Main St, COM2012-003

This application was rescinded.

VIII. Approval of Applications

There were no applications to be approved.

IX. Unfinished Business

Discussion of Financing and Charges for Wastewater Systems

Mr. Anderson explained that a presentation packet was sent out. Based on Federal and State Law, the WPCA is obligated to fund what they do. The WPCA needs to work on a plan; what they have to do and how to do it. Mr. Barton felt that sewer user fees will not fund a \$20 million facility. Mr. Tyler felt that it is the responsibility of the Town. Mr. Barton feels the entire Town benefits from sewers; it expands the tax base and the Town should provide funding. Mr. Tyler felt that the WPCA needs to decide what the sewer user fee should pay for. Mr. Anderson explained that the WPCA needs to have a method for funding. Mr. Barton feels that they need to come to an understanding of who is responsible for what. Mr. Barton explained that funding the WPCA's Capital Improvements through sewer user fees won't work because the whole town isn't sewered; it will only work if the whole town is sewered and everyone would have to hookup. Mr. Tyler explained that half of the town is designated non-sewer. Mr. Anderson explained that they have to get a handle on all that exists to be funded.

****Attorney Purnhagen arrived at 7:20 p.m.***

Mr. Tyler feels the WPCA needs Town input; a source of revenue. Mr. Anderson explained that the WPCA needs to have a long term plan and know how it will be funded. This needs to be done simultaneously. Mr. Anderson reported that the State provides a service to get qualified engineering services. They will help the WPCA choose a qualified engineer. Mr. Tyler and Mr. Barton questioned who would pay the bill. Mr. Anderson explained that portion doesn't cost anything and the State will pay for 55% of the study. Mr. Barton felt they should decide if they need that kind of help. Mr. Anderson explained that the staff can't handle the extra work; the study would find funding; grants and low interest loans. Mr. Tyler felt they should take advantage of what the State is offering and find out what the study would cost. Mr. Anderson explained they need to pursue both parts, one piece at a time. Mr. Barton stated they need to convince the Town that this isn't all on the WPCA's shoulders. Mr. Tyler explained that they need to remind them that the entire Town benefits from having sewers. The Town has set precedence by construction of the plant, sewer lines and pump stations. Selectman Pippin stated that the Town bonds the projects and all of the tax payers have paid. The WPCA needs to take care of their facility. In this environment, the deterioration is rapid and the WPCA must have a plan for replacement.

Motion: To proceed with step one to proceed with the State to advertise for firms to provide qualifications at no cost and to find out the cost of a study.
Tyler/Davis

Mr. Barton felt that they need to start with a goal; what it is they need. Mr. Anderson explained they need to have a plan. Mr. Barton feels that they can do it. Mr. Anderson explained that they don't have the time or the level of expertise. Mr. Barton feels the staff knows this information. Mr. Tyler asked Mr. Enderle for his opinion. Mr. Enderle stated he is in complete agreement with Mr. Anderson. He has serious concerns. The Federal and State Law recognizes that the WPCA is responsible. Mr. Enderle explained that plans need to be signed off by a PE; he has a license to operate the plant and he can make recommendations to the WPCA but he is not an engineer. In order to qualify for grants and low interest loans they need a PE's signature. Mr. Anderson stated that in order to put together a proper budget, they need data. Mr. Tyler explained that they have 15 years' worth of CIP plans that identify the areas that need work. Mr. Anderson stated they have a motion on the table and need to take a vote.

Opposed: Barton
Motion Carries

Motion: To suspend the regular meeting for the purpose of holding the scheduled public hearing.
Tyler/Barton
Passed unanimously

X. Public Hearing Scheduled at 7:30 p.m.

Motion: To open the public hearing for PD Benson Investments LLC, 6 Acorn Drive through Hazardville Property Management Co LLC, 2 Winton Rd.
Tyler/Davis
Passed unanimously

There was no one present for PD Benson Investments LLC, 6 Acorn Dr. Mr. Enderle explained that this is an active adult housing unit and half of the FCC has been paid.

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There was no one present for Ortiz, 127 Tromley Rd. Mr. Enderle explained that this is an existing single family residential that connected to the sewer and all of the FCC has been paid.

Gaetan Letourneau was present for Hazardville Property Management Co LLC, 2 Winton Rd. Mr. Enderle explained that he had information from the Town Assessor that there had been a 3 family house on the property that had been connected to the sewer system prior to 1993. There was a fire and the house was torn down by the Town of East Windsor. Mr. Letourneau bought the property and built a 2 family house. At Mr. Enderle's suggestion, Mr. Letourneau paid for half of 2 FCC's (\$4,994) in order to receive his CO. Mr. Enderle has researched this and confirmed with the property cards that the house was on record as a 3 family house. Attorney Purnhagen stated that the connections don't go away; they stay with the property. The FCC should not have been imposed and a refund of \$4,994 is owed. Mr. Barton stated that in his view the FCC is warranted and mandatory. It is a new connection and the regulations state this. Mr. Barton read from the regulations. By definition, he didn't believe that this was a connection; it is an abandoned lateral. This is not a connection; the reason for excusing was to accommodate people already connected. People and property owners that come later owe a charge. This was a piece of pipe in the ground that doesn't make it a connection. Mr. Tyler explained that it was a capped lateral; the connection runs to the house. Mr. Letourneau stated that this is the only town where you are charged to reconnect. Attorney Purnhagen explained that there is nothing in the regulations about abandoned laterals; it speaks to connections prior to 1993; a fee was never paid because there was no fee. Mr. Tyler asked if there were three connections; Mr. Anderson replied there is one pipe to the street for multi-family homes. Mr. Barton feels that the regs apply to persons or property owners prior to 1993; if it was the same owner there would be no charge. Attorney Purnhagen stated that the connection goes with the property not the owner. Mr. Barton felt the new owner is not protected. Attorney Purnhagen explained that he has never interpreted the regs that way. Mr. Anderson explained that 3 connections were effectively paid, you can't take them away. Attorney Purnhagen explained that they would need to rewrite their regs. Mr. Tyler was in agreement with Attorney Purnhagen. Mr. Enderle was concerned that they were going against the advice of their attorney. Mr. Enderle read from the approved minutes of August 29, 2012. Attorney Purnhagen explained that it was his opinion and it is up to the Board whether they accept his interpretation. Selectman Pippin questioned why the WPCA is paying an attorney if they don't want to take his opinion. Mr. Letourneau thanked the Board and left the meeting at this time.

Motion: To close the public hearing for PD Benson Investments LLC, 6 Acorn Drive through Hazardville Property Management Co LLC, 2 Winton Rd.
Davis/Riggott
Passed unanimously

Motion: To resume the regular meeting.
Tyler/Davis
Passed unanimously

XI. Legal

Attorney Purnhagen explained that the easements are pending; he has all the information. Mr. Anderson explained that he is working on a step by step process for the collection of delinquent sewer user fees. The Chairman will sign warrants and review the facts.

Attorney Purnhagen left the meeting at 8:26 p.m.

XII. Action on Facility Connection Charges

Motion: To impose the Facility Connection Charge as published for PD Benson Investments LLC, 6 Acorn Drive through Ortiz, 127 Tromley Rd.
Tyler/Davis
Passed unanimously

Motion: To rescind the prior imposition of 2 EDU's (\$9,988) and refund payment of 1 EDU (\$4,994) to Hazardville Property Management Co LLC, 2 Winton Rd.
Tyler/Davis
Opposed: Barton
Motion Carries

Unfinished Business - continued

Roof Repairs

Mr. Enderle explained that Marc Brennan was present because he is an expert on heating systems. Mr. Brennan explained that the current heating system is a gas fired hot air system; he is proposing a radiant heat system. Mr. Tyler questioned where they would get make up air. Mr. Brennan replied that air comes from ventilated louvers. He explained that this is not an explosive environment; it is more of a corrosive environment. Mr. Enderle has given the spec sheet to Town Building Official Rand Stanley and Mr. Stanley has met with the Town Fire Marshal. Remedial repairs will be made to the roof this year and they will wait until next year to do the heating and roofing.

Long Term Funding

Mr. Anderson felt this could be combined under one heading with the financing and charges for wastewater treatment plants.

Benefit Assessment Policy

There is no progress yet.

FCC Regulation Review & Interpretation

Mr. Tyler felt they should clarify the wording so they don't run into a problem again. Mr. Anderson was also concerned with the wording. Mr. Tyler explained that he isn't sure what was intended.

North Road Sewer Extension Phase II

Mr. Enderle explained that there have not been any changes. The project is expected to go out to bid this year.

Meadow Farms/Hillside Farms

Attorney Purnhagen is working on this.

Pump Station Issues

There was nothing new to report.

Three Year Review

Mr. Enderle handed out a copy of the Three Year Review procedure he has put together and went over the usage of the properties under review.

Motion: To go to public hearing with the corrected Three Year Review numbers.
Riggott/Davis
Passed unanimously

XIII. New Business

Transfers

Motion: Transfer \$883.40 from Perri Lane STIF Account (2-11-30-0210-9-920) to Pump Station Maintenance (1-11-30-0210-4-438).
Tyler/Davis
Passed unanimously

Motion: Transfer \$458.40 from the Canyon Ridge Operating Account (2-11-30-0210-6-613) to Pump Station Maintenance (1-11-30-0210-4-438).
Tyler/Davis
Passed unanimously

Superintendent's Report

Mr. Enderle's report was included in the meeting packet.

XIV. Payment of Bills

Motion: To approve the September Bill Sheet in the amount of \$52,977.84
Davis/Riggott
Passed unanimously

XV. Adjournment

Motion: To adjourn the meeting at 9:15 p.m.
Davis/Riggott

Respectfully submitted,

Laura Michael
Recording Secretary